



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

##### SB2340

Introduced 2/15/2013, by Sen. Heather A. Steans

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Makes changes concerning State Board of Education actions for schools or school districts that remain on academic watch status for 3 years following their placement on academic watch status. Removes current provisions governing the removal of school board members and the appointment of an Independent Authority. Provides that the State Board has the power to direct the State Superintendent of Education to remove school board members in a district having a population of not more than 500,000. Provides that a district may petition the State Board for the establishment of an Independent Authority for the district or the State Board may establish an Independent Authority without a petition from the district following the removal of all school board members. Provides that, upon establishment of an Independent Authority to operate the district, the State Superintendent shall appoint members to serve on the Independent Authority. Provides that the Independent Authority shall have all of the powers and duties of a school board and all other powers necessary to meet its responsibilities and to carry out its purposes and that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the Independent Authority. Sets forth provisions concerning emergency financial assistance, the suspension of school board elections, reports, assistance, the abolition of an Independent Authority, and indemnification and protection from suit. Effective immediately.

LRB098 08200 NHT 40808 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 2-3.25d, 2-3.25f, 2-3.25g, and 2-3.25h and by adding Section  
6 2-3.25f-5 as follows:

7 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

8 Sec. 2-3.25d. Academic early warning and watch status.

9 (a) Beginning with the 2005-2006 school year, unless the  
10 federal government formally disapproves of such policy through  
11 the submission and review process for the Illinois  
12 Accountability Workbook, those schools that do not meet  
13 adequate yearly progress criteria for 2 consecutive annual  
14 calculations in the same subject or in their participation  
15 rate, attendance rate, or graduation rate shall be placed on  
16 academic early warning status for the next school year. Schools  
17 on academic early warning status that do not meet adequate  
18 yearly progress criteria for a third annual calculation in the  
19 same subject or in their participation rate, attendance rate,  
20 or graduation rate shall remain on academic early warning  
21 status. Schools on academic early warning status that do not  
22 meet adequate yearly progress criteria for a fourth annual  
23 calculation in the same subject or in their participation rate,

1 attendance rate, or graduation rate shall be placed on initial  
2 academic watch status. Schools on academic watch status that do  
3 not meet adequate yearly progress criteria for a fifth or  
4 subsequent annual calculation in the same subject or in their  
5 participation rate, attendance rate, or graduation rate shall  
6 remain on academic watch status. Schools on academic early  
7 warning or academic watch status that meet adequate yearly  
8 progress criteria for 2 consecutive calculations shall be  
9 considered as having met expectations and shall be removed from  
10 any status designation.

11 The school district of a school placed on either academic  
12 early warning status or academic watch status may appeal the  
13 status to the State Board of Education in accordance with  
14 Section 2-3.25m of this Code.

15 A school district that has one or more schools on academic  
16 early warning or academic watch status shall prepare a revised  
17 School Improvement Plan or amendments thereto setting forth the  
18 district's expectations for removing each school from academic  
19 early warning or academic watch status and for improving  
20 student performance in the affected school or schools.  
21 Districts operating under Article 34 of this Code may prepare  
22 the School Improvement Plan required under Section 34-2.4 of  
23 this Code.

24 The revised School Improvement Plan for a school that is  
25 initially placed on academic early warning status or that  
26 remains on academic early warning status after a third annual

1 calculation must be approved by the school board (and by the  
2 school's local school council in a district operating under  
3 Article 34 of this Code, unless the school is on probation  
4 pursuant to subsection (c) of Section 34-8.3 of this Code).

5 The revised School Improvement Plan for a school that is  
6 initially placed on academic watch status after a fourth annual  
7 calculation must be approved by the school board (and by the  
8 school's local school council in a district operating under  
9 Article 34 of this Code, unless the school is on probation  
10 pursuant to subsection (c) of Section 34-8.3 of this Code).

11 The revised School Improvement Plan for a school that  
12 remains on academic watch status after a fifth annual  
13 calculation must be approved by the school board (and by the  
14 school's local school council in a district operating under  
15 Article 34 of this Code, unless the school is on probation  
16 pursuant to subsection (c) of Section 34-8.3 of this Code). In  
17 addition, the district must develop a school restructuring plan  
18 for the school that must be approved by the school board (and  
19 by the school's local school council in a district operating  
20 under Article 34 of this Code).

21 A school on academic watch status that does not meet  
22 adequate yearly progress criteria for a sixth annual  
23 calculation shall implement its approved school restructuring  
24 plan beginning with the next school year, subject to the State  
25 interventions specified in Sections ~~Section~~ 2-3.25f and  
26 2-3.25f-5 of this Code.

1           (b) Beginning with the 2005-2006 school year, unless the  
2 federal government formally disapproves of such policy through  
3 the submission and review process for the Illinois  
4 Accountability Workbook, those school districts that do not  
5 meet adequate yearly progress criteria for 2 consecutive annual  
6 calculations in the same subject or in their participation  
7 rate, attendance rate, or graduation rate shall be placed on  
8 academic early warning status for the next school year.  
9 Districts on academic early warning status that do not meet  
10 adequate yearly progress criteria for a third annual  
11 calculation in the same subject or in their participation rate,  
12 attendance rate, or graduation rate shall remain on academic  
13 early warning status. Districts on academic early warning  
14 status that do not meet adequate yearly progress criteria for a  
15 fourth annual calculation in the same subject or in their  
16 participation rate, attendance rate, or graduation rate shall  
17 be placed on initial academic watch status. Districts on  
18 academic watch status that do not meet adequate yearly progress  
19 criteria for a fifth or subsequent annual calculation in the  
20 same subject or in their participation rate, attendance rate,  
21 or graduation rate shall remain on academic watch status.  
22 Districts on academic early warning or academic watch status  
23 that meet adequate yearly progress criteria for one annual  
24 calculation shall be considered as having met expectations and  
25 shall be removed from any status designation.

26           A district placed on either academic early warning status

1 or academic watch status may appeal the status to the State  
2 Board of Education in accordance with Section 2-3.25m of this  
3 Code.

4 Districts on academic early warning or academic watch  
5 status shall prepare a District Improvement Plan or amendments  
6 thereto setting forth the district's expectations for removing  
7 the district from academic early warning or academic watch  
8 status and for improving student performance in the district.

9 All District Improvement Plans must be approved by the  
10 school board.

11 (c) All revised School and District Improvement Plans shall  
12 be developed in collaboration with parents, staff in the  
13 affected school or school district, and outside experts. All  
14 revised School and District Improvement Plans shall be  
15 developed, submitted, and monitored pursuant to rules adopted  
16 by the State Board of Education. The revised Improvement Plan  
17 shall address measurable outcomes for improving student  
18 performance so that such performance meets adequate yearly  
19 progress criteria as specified by the State Board of Education.  
20 All school districts required to revise a School Improvement  
21 Plan in accordance with this Section shall establish a peer  
22 review process for the evaluation of School Improvement Plans.

23 (d) All federal requirements apply to schools and school  
24 districts utilizing federal funds under Title I, Part A of the  
25 federal Elementary and Secondary Education Act of 1965.

26 (e) The State Board of Education, from any moneys it may

1 have available for this purpose, must implement and administer  
2 a grant program that provides 2-year grants to school districts  
3 on the academic watch list and other school districts that have  
4 the lowest achieving students, as determined by the State Board  
5 of Education, to be used to improve student achievement. In  
6 order to receive a grant under this program, a school district  
7 must establish an accountability program. The accountability  
8 program must involve the use of statewide testing standards and  
9 local evaluation measures. A grant shall be automatically  
10 renewed when achievement goals are met. The Board may adopt any  
11 rules necessary to implement and administer this grant program.  
12 (Source: P.A. 96-734, eff. 8-25-09.)

13 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)  
14 Sec. 2-3.25f. State interventions.

15 (a) The State Board of Education shall provide technical  
16 assistance to assist with the development and implementation of  
17 School and District Improvement Plans.

18 Schools or school districts that fail to make reasonable  
19 efforts to implement an approved Improvement Plan may suffer  
20 loss of State funds by school district, attendance center, or  
21 program as the State Board of Education deems appropriate.

22 (a-5) In this subsection (a-5), "school" means any of the  
23 following named public schools or their successor name:

24 (1) Dirksen Middle School in Dolton School District  
25 149.

1           (2) Diekman Elementary School in Dolton School  
2 District 149.

3           (3) Caroline Sibley Elementary School in Dolton School  
4 District 149.

5           (4) Berger-Vandenberg Elementary School in Dolton  
6 School District 149.

7           (5) Carol Moseley Braun School in Dolton School  
8 District 149.

9           (6) New Beginnings Learning Academy in Dolton School  
10 District 149.

11           (7) McKinley Junior High School in South Holland School  
12 District 150.

13           (8) Greenwood Elementary School in South Holland  
14 School District 150.

15           (9) McKinley Elementary School in South Holland School  
16 District 150.

17           (10) Eisenhower School in South Holland School  
18 District 151.

19           (11) Madison School in South Holland School District  
20 151.

21           (12) Taft School in South Holland School District 151.

22           (13) Wolcott School in Thornton School District 154.

23           (14) Memorial Junior High School in Lansing School  
24 District 158.

25           (15) Oak Glen Elementary School in Lansing School  
26 District 158.

1           (16) Lester Crawl Primary Center in Lansing School  
2           District 158.

3           (17) Brookwood Junior High School in Brookwood School  
4           District 167.

5           (18) Brookwood Middle School in Brookwood School  
6           District 167.

7           (19) Hickory Bend Elementary School in Brookwood  
8           School District 167.

9           (20) Medgar Evers Primary Academic Center in Ford  
10          Heights School District 169.

11          (21) Nathan Hale Elementary School in Sunnybrook  
12          School District 171.

13          (22) Ira F. Aldridge Elementary School in City of  
14          Chicago School District 299.

15          (23) William E.B. DuBois Elementary School in City of  
16          Chicago School District 299.

17          If, after 2 years following its placement on academic watch  
18          status, a school remains on academic watch status, then,  
19          subject to federal appropriation money being available, the  
20          State Board of Education shall allow the school board to opt in  
21          the process of operating that school on a pilot full-year  
22          school plan approved by the State Board of Education upon  
23          expiration of its teachers' current collective bargaining  
24          agreement until the expiration of the next collective  
25          bargaining agreement. A school board must notify the State  
26          Board of Education of its intent to opt in the process of

1 operating a school on a pilot full-year school plan.

2 (b) In addition, if after 3 years following its placement  
3 on academic watch status a school district or school remains on  
4 academic watch status, the State Board of Education may ~~shall~~  
5 take ~~one of the following~~ actions for the district specified  
6 under Section 2-3.25f-5 of this Code or ~~school~~: ~~(1) The State~~  
7 ~~Board of Education may authorize the State Superintendent of~~  
8 ~~Education to direct the regional superintendent of schools to~~  
9 ~~remove school board members pursuant to Section 3-14.28 of this~~  
10 ~~Code. Prior to such direction the State Board of Education~~  
11 ~~shall permit members of the local board of education to present~~  
12 ~~written and oral comments to the State Board of Education. The~~  
13 ~~State Board of Education may direct the State Superintendent of~~  
14 ~~Education to appoint an Independent Authority that shall~~  
15 ~~exercise such powers and duties as may be necessary to operate~~  
16 ~~a school or school district for purposes of improving pupil~~  
17 ~~performance and school improvement. The State Superintendent~~  
18 ~~of Education shall designate one member of the Independent~~  
19 ~~Authority to serve as chairman. The Independent Authority shall~~  
20 ~~serve for a period of time specified by the State Board of~~  
21 ~~Education upon the recommendation of the State Superintendent~~  
22 ~~of Education. (2) The State Board of Education may (i) (A)~~  
23 change the recognition status of the school district or school  
24 to nonrecognized~~7~~ or (ii) ~~(B)~~ authorize the State  
25 Superintendent of Education to direct the reassignment of  
26 pupils or direct the reassignment or replacement of school

1 district personnel who are relevant to the failure to meet  
2 adequate yearly progress criteria. If a school district is  
3 nonrecognized in its entirety, it shall automatically be  
4 dissolved on July 1 following that nonrecognition and its  
5 territory realigned with another school district or districts  
6 by the regional board of school trustees in accordance with the  
7 procedures set forth in Section 7-11 of the School Code. The  
8 effective date of the nonrecognition of a school shall be July  
9 1 following the nonrecognition.

10 (c) All federal requirements apply to schools and school  
11 districts utilizing federal funds under Title I, Part A of the  
12 federal Elementary and Secondary Education Act of 1965.

13 (Source: P.A. 97-370, eff. 1-1-12.)

14 (105 ILCS 5/2-3.25f-5 new)

15 Sec. 2-3.25f-5. Independent Authority.

16 (a) The General Assembly finds all of the following:

17 (1) A fundamental goal of the people of this State, as  
18 expressed in Section 1 of Article X of the Illinois  
19 Constitution, is the educational development of all  
20 persons to the limits of their capacities. When a school  
21 board faces governance difficulties, academic  
22 difficulties, and financial difficulties, continued  
23 operation of the public school system is threatened.

24 (2) Sound school board governance, academic  
25 achievement, and a sound financial structure are essential

1 to the continued operation of any school system. It is  
2 vital to commercial, educational, and cultural interests  
3 that public schools remain in operation. To achieve that  
4 goal, public school systems must have effective  
5 leadership.

6 (3) To promote the sound operation of districts, as  
7 defined in this Section, it is necessary to provide for the  
8 creation of independent authorities with the powers  
9 necessary to promote sound governance, sound academic  
10 planning, and sound financial management and to ensure the  
11 continued operation of the public schools.

12 (4) It is the purpose of this Section to provide for a  
13 sound basis for the continued operation of public schools.  
14 The intention of the General Assembly, in creating this  
15 Section, is to establish procedures, provide powers, and  
16 impose restrictions to ensure the educational integrity of  
17 public school districts.

18 (b) As used in this Section:

19 "Board" means a school board of a district.

20 "Chairperson" means the Chairperson of the Independent  
21 Authority.

22 "District" means any school district having a population of  
23 not more than 500,000 that has had an Independent Authority  
24 established under this Section.

25 "State Board" means the State Board of Education.

26 "State Superintendent" means the State Superintendent of

1 Education.

2 (c) The State Board has the power to direct the State  
3 Superintendent to remove board members. Board members may be  
4 removed when the criteria provided for in subsection (d) of  
5 this Section are met.

6 If the State Board proposes to direct the State  
7 Superintendent to remove board members from a district, board  
8 members shall receive individual written notice of the intended  
9 removal. Written notice must be provided at least 30 calendar  
10 days before a hearing is held by the State Board. The notice  
11 shall identify the bases for proposed removal.

12 Board members are entitled to a hearing, during which time  
13 each board member shall have the opportunity to respond  
14 individually, both orally and through written comments, to the  
15 bases laid out in the notice. Written comments must be  
16 submitted to the State Board on or before the hearing.

17 Board members are entitled to be represented by counsel at  
18 the hearing, but counsel must not be paid with district funds.

19 The State Board shall make a final decision on removal  
20 immediately following the hearing or at its next regularly  
21 scheduled or special meeting. In no event may the decision be  
22 made later than the next regularly scheduled meeting.

23 The State Board shall issue a final written decision. If  
24 the State Board directs the State Superintendent to remove the  
25 board members, the State Superintendent shall do so within 30  
26 days after the written decision. Following the removal of all

1 of the board members, the State Superintendent shall establish  
2 an Independent Authority pursuant to subsection (e) of this  
3 Section.

4 If there is a financial oversight panel operating in the  
5 district pursuant to Article 1B or 1H of this Code, the State  
6 Board may, at its discretion, abolish the panel.

7 (d) The State Board may direct the State Superintendent to  
8 remove Board members pursuant to subsection (c) of this Section  
9 if specific criteria are met in the district. The State Board  
10 shall adopt rules that set forth the criteria to be met in  
11 order to remove board members under this Section.

12 (e) A school district may petition the State Board for the  
13 establishment of an Independent Authority for the district or  
14 the State Board may establish an Independent Authority without  
15 a petition from the district following the removal of all board  
16 members pursuant to subsection (c) of this Section. The  
17 petition shall cite the reasons why the creation of an  
18 Independent Authority for the district is necessary. Upon  
19 establishment of an Independent Authority, there is  
20 established a body both corporate and politic to be known as  
21 the "(Name of School District) Independent Authority", which in  
22 this name shall exercise all of the authority vested in an  
23 Independent Authority by this Section and by that name may sue  
24 and be sued in all courts and places where judicial proceedings  
25 are had.

26 (f) Upon establishment of an Independent Authority under

1 subsection (e) of this Section, the State Superintendent shall,  
2 within 30 working days thereafter, appoint 5 members to serve  
3 on an Independent Authority for the district. Members appointed  
4 to the Independent Authority shall serve at the pleasure of the  
5 State Superintendent. The State Superintendent shall designate  
6 one of the members of the Independent Authority to serve as its  
7 chairperson. In the event of vacancy or resignation, the State  
8 Superintendent shall, within 15 working days after receiving  
9 notice, appoint a successor to serve out that member's term. If  
10 the State Board has abolished a financial oversight panel  
11 pursuant to subsection (c) of this Section, the State  
12 Superintendent may appoint former members of the panel to the  
13 Independent Authority. These members may serve as a part of the  
14 5 members or may be appointed in addition to the 5 members,  
15 with the Independent Authority not to exceed 9 members in  
16 total.

17 Members of the Independent Authority must be selected  
18 primarily on the basis of their experience and knowledge in  
19 education policy, with consideration given to persons  
20 knowledgeable in the operations of a school district. Two  
21 members of the Independent Authority must be residents of the  
22 district that the Independent Authority serves. A member of the  
23 Independent Authority may not be an employee of the district,  
24 nor may a member have a direct financial interest in the  
25 district.

26 Independent Authority members may be reimbursed by the

1 district for travel and other necessary expenses incurred in  
2 the performance of their official duties. The amount reimbursed  
3 members for their expenses must be charged to the school  
4 district.

5 With the exception of the Chairperson, the Independent  
6 Authority may elect such officers as it deems appropriate.

7 The first meeting of the Independent Authority must be held  
8 at the call of the Chairperson. The Independent Authority shall  
9 prescribe the times and places for its meetings and the manner  
10 in which regular and special meetings may be called and shall  
11 comply with the Open Meetings Act.

12 Three members of the Independent Authority shall  
13 constitute a quorum. The affirmative votes of 3 members are  
14 required to pass a measure.

15 (g) The purpose of the Independent Authority is to operate  
16 the district. The Independent Authority shall have all of the  
17 powers and duties of a board and all other powers necessary to  
18 meet its responsibilities and to carry out its purpose and the  
19 purposes of this Section and that may be requisite or proper  
20 for the maintenance, operation, and development of any school  
21 or schools under the jurisdiction of the Independent Authority.  
22 This grant of powers does not release an Independent Authority  
23 from any duty imposed upon it by this Code or any other law.

24 (h) The Independent Authority may prepare and file with the  
25 State Superintendent a proposal for emergency financial  
26 assistance for the school district and for the operations'

1 budget of the Independent Authority, in accordance with Section  
2 1B-8 of this Code. A district may receive both a loan and a  
3 grant.

4 (i) An election for board members must not be held in a  
5 district upon the establishment of an Independent Authority and  
6 is suspended until such time as the Independent Authority has  
7 been abolished pursuant to subsection (l) of this Section.

8 (j) The Independent Authority, upon its members taking  
9 office and annually thereafter and upon request, shall prepare  
10 and submit to the State Superintendent a report on the state of  
11 the district, including without limitation the academic  
12 improvement and financial situation of the district. This  
13 report must be submitted annually on or before March 1 of each  
14 year.

15 (k) The district shall render such services to and permit  
16 the use of its facilities and resources by the Independent  
17 Authority at no charge as may be requested by the Independent  
18 Authority. Any State agency, unit of local government, or  
19 school district may, within its lawful powers and duties,  
20 render such services to the Independent Authority as may be  
21 requested by the Independent Authority.

22 (l) An Independent Authority must be abolished when  
23 specific criteria have been met by the district and upon the  
24 election of a board. The State Board shall adopt rules that set  
25 forth the criteria to be met as a condition of abolition of the  
26 Independent Authority under this Section.

1       Upon abolition of the Independent Authority, all powers and  
2 duties allowed by this Code to be exercised by a school board  
3 shall be transferred to the newly elected school board.

4       (m) The Independent Authority must be indemnified through  
5 insurance purchased by the district. The district shall  
6 purchase insurance through which the Independent Authority is  
7 to be indemnified.

8       The district retains the duty to represent and to indemnify  
9 Independent Authority members following the abolition of the  
10 Independent Authority for any cause of action or remedy  
11 available against the Independent Authority, its members, its  
12 employees, or its agents for any right or claim existing or any  
13 liability incurred prior to the abolition.

14       The insurance shall indemnify and protect districts,  
15 Independent Authority members, employees, volunteer personnel  
16 authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of  
17 this Code, mentors of certified or licensed staff as authorized  
18 in Article 21A and Sections 2-3.53a, 2-3.53b, and 34-18.33 of  
19 this Code, and student teachers against civil rights damage  
20 claims and suits, constitutional rights damage claims and  
21 suits, and death and bodily injury and property damage claims  
22 and suits, including defense thereof, when damages are sought  
23 for negligent or wrongful acts alleged to have been committed  
24 in the scope of employment, under the direction of the  
25 Independent Authority, or related to any mentoring services  
26 provided to certified or licensed staff of the district. Such

1 indemnification and protection shall extend to persons who were  
2 members of an Independent Authority, employees of an  
3 Independent Authority, authorized volunteer personnel, mentors  
4 of certified or licensed staff, or student teachers at the time  
5 of the incident from which a claim arises. No agent may be  
6 afforded indemnification or protection unless he or she was a  
7 member of an Independent Authority, an employee of an  
8 Independent Authority, an authorized volunteer, a mentor of  
9 certified or licensed staff, or a student teacher at the time  
10 of the incident from which the claim arises.

11 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

12 Sec. 2-3.25g. Waiver or modification of mandates within the  
13 School Code and administrative rules and regulations.

14 (a) In this Section:

15 "Board" means a school board or the governing board or  
16 administrative district, as the case may be, for a joint  
17 agreement.

18 "Eligible applicant" means a school district, joint  
19 agreement made up of school districts, or regional  
20 superintendent of schools on behalf of schools and programs  
21 operated by the regional office of education.

22 "Implementation date" has the meaning set forth in  
23 Section 24A-2.5 of this Code.

24 "State Board" means the State Board of Education.

25 (b) Notwithstanding any other provisions of this School

1 Code or any other law of this State to the contrary, eligible  
2 applicants may petition the State Board of Education for the  
3 waiver or modification of the mandates of this School Code or  
4 of the administrative rules and regulations promulgated by the  
5 State Board of Education. Waivers or modifications of  
6 administrative rules and regulations and modifications of  
7 mandates of this School Code may be requested when an eligible  
8 applicant demonstrates that it can address the intent of the  
9 rule or mandate in a more effective, efficient, or economical  
10 manner or when necessary to stimulate innovation or improve  
11 student performance. Waivers of mandates of the School Code may  
12 be requested when the waivers are necessary to stimulate  
13 innovation or improve student performance. Waivers may not be  
14 requested from laws, rules, and regulations pertaining to  
15 special education, teacher certification, teacher tenure and  
16 seniority, or Section 5-2.1 of this Code or from compliance  
17 with the No Child Left Behind Act of 2001 (Public Law 107-110).  
18 On and after the applicable implementation date, eligible  
19 applicants may not seek a waiver or seek a modification of a  
20 mandate regarding the requirements for (i) student performance  
21 data to be a significant factor in teacher or principal  
22 evaluations or (ii) for teachers and principals to be rated  
23 using the 4 categories of "excellent", "proficient", "needs  
24 improvement", or "unsatisfactory". On the applicable  
25 implementation date, any previously authorized waiver or  
26 modification from such requirements shall terminate.

1 (c) Eligible applicants, as a matter of inherent managerial  
2 policy, and any Independent Authority established under  
3 Section 2-3.25f-5 of this Code ~~2-3.25f~~ may submit an  
4 application for a waiver or modification authorized under this  
5 Section. Each application must include a written request by the  
6 eligible applicant or Independent Authority and must  
7 demonstrate that the intent of the mandate can be addressed in  
8 a more effective, efficient, or economical manner or be based  
9 upon a specific plan for improved student performance and  
10 school improvement. Any eligible applicant requesting a waiver  
11 or modification for the reason that intent of the mandate can  
12 be addressed in a more economical manner shall include in the  
13 application a fiscal analysis showing current expenditures on  
14 the mandate and projected savings resulting from the waiver or  
15 modification. Applications and plans developed by eligible  
16 applicants must be approved by the board or regional  
17 superintendent of schools applying on behalf of schools or  
18 programs operated by the regional office of education following  
19 a public hearing on the application and plan and the  
20 opportunity for the board or regional superintendent to hear  
21 testimony from staff directly involved in its implementation,  
22 parents, and students. The time period for such testimony shall  
23 be separate from the time period established by the eligible  
24 applicant for public comment on other matters. If the applicant  
25 is a school district or joint agreement requesting a waiver or  
26 modification of Section 27-6 of this Code, the public hearing

1 shall be held on a day other than the day on which a regular  
2 meeting of the board is held.

3 (c-5) If the applicant is a school district, then the  
4 district shall post information that sets forth the time, date,  
5 place, and general subject matter of the public hearing on its  
6 Internet website at least 14 days prior to the hearing. If the  
7 district is requesting to increase the fee charged for driver  
8 education authorized pursuant to Section 27-24.2 of this Code,  
9 the website information shall include the proposed amount of  
10 the fee the district will request. All school districts must  
11 publish a notice of the public hearing at least 7 days prior to  
12 the hearing in a newspaper of general circulation within the  
13 school district that sets forth the time, date, place, and  
14 general subject matter of the hearing. Districts requesting to  
15 increase the fee charged for driver education shall include in  
16 the published notice the proposed amount of the fee the  
17 district will request. If the applicant is a joint agreement or  
18 regional superintendent, then the joint agreement or regional  
19 superintendent shall post information that sets forth the time,  
20 date, place, and general subject matter of the public hearing  
21 on its Internet website at least 14 days prior to the hearing.  
22 If the joint agreement or regional superintendent is requesting  
23 to increase the fee charged for driver education authorized  
24 pursuant to Section 27-24.2 of this Code, the website  
25 information shall include the proposed amount of the fee the  
26 applicant will request. All joint agreements and regional

1 superintendents must publish a notice of the public hearing at  
2 least 7 days prior to the hearing in a newspaper of general  
3 circulation in each school district that is a member of the  
4 joint agreement or that is served by the educational service  
5 region that sets forth the time, date, place, and general  
6 subject matter of the hearing, provided that a notice appearing  
7 in a newspaper generally circulated in more than one school  
8 district shall be deemed to fulfill this requirement with  
9 respect to all of the affected districts. Joint agreements or  
10 regional superintendents requesting to increase the fee  
11 charged for driver education shall include in the published  
12 notice the proposed amount of the fee the applicant will  
13 request. The eligible applicant must notify in writing the  
14 affected exclusive collective bargaining agent and those State  
15 legislators representing the eligible applicant's territory of  
16 its intent to seek approval of a waiver or modification and of  
17 the hearing to be held to take testimony from staff. The  
18 affected exclusive collective bargaining agents shall be  
19 notified of such public hearing at least 7 days prior to the  
20 date of the hearing and shall be allowed to attend such public  
21 hearing. The eligible applicant shall attest to compliance with  
22 all of the notification and procedural requirements set forth  
23 in this Section.

24 (d) A request for a waiver or modification of  
25 administrative rules and regulations or for a modification of  
26 mandates contained in this School Code shall be submitted to

1 the State Board of Education within 15 days after approval by  
2 the board or regional superintendent of schools. The  
3 application as submitted to the State Board of Education shall  
4 include a description of the public hearing. Except with  
5 respect to contracting for adaptive driver education, an  
6 eligible applicant wishing to request a modification or waiver  
7 of administrative rules of the State Board of Education  
8 regarding contracting with a commercial driver training school  
9 to provide the course of study authorized under Section 27-24.2  
10 of this Code must provide evidence with its application that  
11 the commercial driver training school with which it will  
12 contract holds a license issued by the Secretary of State under  
13 Article IV of Chapter 6 of the Illinois Vehicle Code and that  
14 each instructor employed by the commercial driver training  
15 school to provide instruction to students served by the school  
16 district holds a valid teaching certificate or teaching  
17 license, as applicable, issued under the requirements of this  
18 Code and rules of the State Board of Education. Such evidence  
19 must include, but need not be limited to, a list of each  
20 instructor assigned to teach students served by the school  
21 district, which list shall include the instructor's name,  
22 personal identification number as required by the State Board  
23 of Education, birth date, and driver's license number. If the  
24 modification or waiver is granted, then the eligible applicant  
25 shall notify the State Board of Education of any changes in the  
26 personnel providing instruction within 15 calendar days after

1 an instructor leaves the program or a new instructor is hired.  
2 Such notification shall include the instructor's name,  
3 personal identification number as required by the State Board  
4 of Education, birth date, and driver's license number. If a  
5 school district maintains an Internet website, then the  
6 district shall post a copy of the final contract between the  
7 district and the commercial driver training school on the  
8 district's Internet website. If no Internet website exists,  
9 then the district shall make available the contract upon  
10 request. A record of all materials in relation to the  
11 application for contracting must be maintained by the school  
12 district and made available to parents and guardians upon  
13 request. The instructor's date of birth and driver's license  
14 number and any other personally identifying information as  
15 deemed by the federal Driver's Privacy Protection Act of 1994  
16 must be redacted from any public materials. Following receipt  
17 of the waiver or modification request, the State Board shall  
18 have 45 days to review the application and request. If the  
19 State Board fails to disapprove the application within that 45  
20 day period, the waiver or modification shall be deemed granted.  
21 The State Board may disapprove any request if it is not based  
22 upon sound educational practices, endangers the health or  
23 safety of students or staff, compromises equal opportunities  
24 for learning, or fails to demonstrate that the intent of the  
25 rule or mandate can be addressed in a more effective,  
26 efficient, or economical manner or have improved student

1 performance as a primary goal. Any request disapproved by the  
2 State Board may be appealed to the General Assembly by the  
3 eligible applicant as outlined in this Section.

4 A request for a waiver from mandates contained in this  
5 School Code shall be submitted to the State Board within 15  
6 days after approval by the board or regional superintendent of  
7 schools. The application as submitted to the State Board of  
8 Education shall include a description of the public hearing.  
9 The description shall include, but need not be limited to, the  
10 means of notice, the number of people in attendance, the number  
11 of people who spoke as proponents or opponents of the waiver, a  
12 brief description of their comments, and whether there were any  
13 written statements submitted. The State Board shall review the  
14 applications and requests for completeness and shall compile  
15 the requests in reports to be filed with the General Assembly.  
16 The State Board shall file reports outlining the waivers  
17 requested by eligible applicants and appeals by eligible  
18 applicants of requests disapproved by the State Board with the  
19 Senate and the House of Representatives before each March 1 and  
20 October 1. The General Assembly may disapprove the report of  
21 the State Board in whole or in part within 60 calendar days  
22 after each house of the General Assembly next convenes after  
23 the report is filed by adoption of a resolution by a record  
24 vote of the majority of members elected in each house. If the  
25 General Assembly fails to disapprove any waiver request or  
26 appealed request within such 60 day period, the waiver or

1 modification shall be deemed granted. Any resolution adopted by  
2 the General Assembly disapproving a report of the State Board  
3 in whole or in part shall be binding on the State Board.

4 (e) An approved waiver or modification (except a waiver  
5 from or modification to a physical education mandate) may  
6 remain in effect for a period not to exceed 5 school years and  
7 may be renewed upon application by the eligible applicant.  
8 However, such waiver or modification may be changed within that  
9 5-year period by a board or regional superintendent of schools  
10 applying on behalf of schools or programs operated by the  
11 regional office of education following the procedure as set  
12 forth in this Section for the initial waiver or modification  
13 request. If neither the State Board of Education nor the  
14 General Assembly disapproves, the change is deemed granted.

15 An approved waiver from or modification to a physical  
16 education mandate may remain in effect for a period not to  
17 exceed 2 school years and may be renewed no more than 2 times  
18 upon application by the eligible applicant. An approved waiver  
19 from or modification to a physical education mandate may be  
20 changed within the 2-year period by the board or regional  
21 superintendent of schools, whichever is applicable, following  
22 the procedure set forth in this Section for the initial waiver  
23 or modification request. If neither the State Board of  
24 Education nor the General Assembly disapproves, the change is  
25 deemed granted.

26 (f) (Blank).

1 (Source: P.A. 96-861, eff. 1-15-10; 96-1423, eff. 8-3-10;  
2 97-1025, eff. 1-1-13.)

3 (105 ILCS 5/2-3.25h) (from Ch. 122, par. 2-3.25h)

4 Sec. 2-3.25h. Technical assistance; State support  
5 services. Schools, school districts, local school councils,  
6 school improvement panels, and any Independent Authority  
7 established under Section 2-3.25f-5 of this Code ~~2-3.25f~~ may  
8 receive technical assistance that the State Board of Education  
9 shall make available. Such technical assistance shall include  
10 without limitation assistance in the areas of curriculum  
11 evaluation, the instructional process, student performance,  
12 school environment, staff effectiveness, school and community  
13 relations, parental involvement, resource management,  
14 leadership, data analysis processes and tools, school  
15 improvement plan guidance and feedback, information regarding  
16 scientifically based research-proven curriculum and  
17 instruction, and professional development opportunities for  
18 teachers and administrators.

19 (Source: P.A. 93-470, eff. 8-8-03.)

20 (105 ILCS 5/3-14.28 rep.)

21 Section 10. The School Code is amended by repealing Section  
22 3-14.28.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3

105 ILCS 5/2-3.25d from Ch. 122, par. 2-3.25d

4

105 ILCS 5/2-3.25f from Ch. 122, par. 2-3.25f

5

105 ILCS 5/2-3.25f-5 new

6

105 ILCS 5/2-3.25g from Ch. 122, par. 2-3.25g

7

105 ILCS 5/2-3.25h from Ch. 122, par. 2-3.25h

8

105 ILCS 5/3-14.28 rep.